

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DAVID ALLEN,

*Plaintiff,*

v.

CHARLES A. McCLELLAND, JR., *et al.*,

*Defendants.*

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CIVIL ACTION H-13-1416

**ORDER**


Before the court are the magistrate judge's memorandum and recommendations (Dkt. 74) (hereinafter "M&R"), defendants' objections to the M&R (Dkt. 75), plaintiff's objections to the M&R (Dkt. 76), and defendants' response to plaintiff's objections (Dkt. 77). The magistrate judge recommended that plaintiff's motion for summary judgment (Dkt. 58) be denied, and that defendants' motion for summary judgment (Dkt. 53) be granted in part and denied in part. Plaintiff and defendants objected to the M&R on the same grounds advanced in their previous motions and responses.

The court finds that the magistrate judge correctly and thoroughly evaluated the evidence in light of the applicable legal standards. Accordingly, the court **OVERRULES** the parties' objections and **ADOPTS** the magistrate judge's M&R in its entirety. Plaintiff's motion for summary judgment (Dkt. 58) is **DENIED**, and defendants' motion for summary judgment (Dkt. 53) is **GRANTED IN PART AND DENIED IN PART**. The claims against defendant Gallegos stemming from the May 16, 2011 incident are **DISMISSED**. The claims against defendant Cisneros regarding the seizure of

plaintiff's shofar on January 14, 2012 are also DISMISSED. The claims against defendant Montelongo regarding the seizure of plaintiff's shofar on October 31, 2011 are DISMISSED. All claims against defendant McClelland and the City of Houston are DISMISSED.

It is so ORDERED.

Signed at Houston, Texas on April 28, 2015



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Gray H. Miller  
United States District Judge